

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN HENRY McMURRY,

Plaintiff,

Case No. 1:07-cv-716

v

HON. JANET T. NEFF

PATRICIA CARUSO, et al.,

Defendants.

**JUDGMENT**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendant's motion and enter judgment for Defendant. The Report and Recommendation was duly served on the parties. No objections have been filed, see 28 U.S.C. § 636(b)(1), and the Court issues this Judgment pursuant to FED. R. CIV. P. 58.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation (Dkt 162) is APPROVED and ADOPTED as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (Dkt 150) is GRANTED and Judgment is entered against Plaintiff and in favor of Defendants.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

Date: July 21, 2010

/s/Janet T. Neff  
JANET T. NEFF  
United States District Judge